

REMARKS/ARGUMENTS

Claims 11 – 13, 15 – 20, 25, 31, 37, 44, and 46 – 50 are presented for consideration upon entry of this Amendment. Claims 1 – 10, 14, 21 – 24, 26 – 30, 32 – 36, 38 – 43, 45, and 51 are canceled. For at least the reasons set forth below, Applicants respectfully submit that claims 11 – 13, 15 – 20, 25, 31, 37, 44, and 46 – 50 are patentable over the cited art.

Applicants gratefully appreciate the courtesies extended by the Examiner during the telephone interview conducted on July 29, 2009. In accordance with that interview, Applicants submit the following.

Claims 11, 34, 44, 46-48, and 51 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S Patent No. 5,158,535 to Paul et al. ("Paul"). Claims 12-20, 25, 31, 37, and 49-50 stand rejected under 35 U.S.C. §103(a) as unpatentable over Paul. Claims 14 and 51 are canceled rendering the rejections thereto moot. For at least the reasons set forth below, Applicants submit that claims 11 – 13, 15 – 20, 25, 31, 37, 44, and 46 – 50 are not disclosed or suggested by Paul.

Independent claim 11 recites, in part, "said barrel having a tubular shape and a longitudinal axis that is substantially straight."

As acknowledged by the Examiner during the Examiner interview, Paul fails to disclose or suggest, as well as teaches away from, a barrel that has a longitudinal axis that is substantially straight, as recited by claim 11. In contrast, Paul provides that the outer tube 14 has an arcuate shape with a centerline A—A formed on an arc having a predetermined radius of curvature. (col. 3, lines 54-56). Moreover, Paul provides that an object of its invention is to go against the teaching of the prior art for the last fifty years and produce a curved tampon applicator which is more comfortable for women to use rather than conventional straight tampon applicator. (col. 2, lines 64-67).

In addition, independent claim 11 recites, in part "said tapered main section

having a maximum outer diameter located adjacent to said finger grip and a first wall taper that decreases in diameter from said finger grip to said insertion tip, said first wall taper having a taper ratio of about 1.07 to about 1.15.”

In addition, Paul fails to disclose or suggest a tapered main section, let alone that the tapered main section has a maximum outer diameter located adjacent to the finger grip and a first wall taper that decreases in diameter from the finger grip to the insertion tip, or that the first wall taper has a taper ratio of about 1.07 to about 1.15. Paul provides an enlarged portion 18 of the outer tube 14 has a generally circular or round cross-section, as is shown in FIG. 3, and is sized to be slightly larger than the outside diameter of the absorbent tampon, and that the enlarged portion 18 has a wall 26 which tapers in thickness as it approaches the first end 22. (col. 3, line 66 – col. 4, line 5). Thus, Paul merely provides a wall 26 with a tapered thickness.

Independent claim 11 further recites, in part, “said finger grip having a shoulder region adjacent to said tapered main section, a gripping region adjacent to said shoulder region, and a flared region adjacent to said gripping region opposite said shoulder region, wherein said shoulder region decreases in diameter from said tapered main section to said gripping region, and wherein said flared region has an outer diameter that increases from said gripping region to said second end of said barrel”.

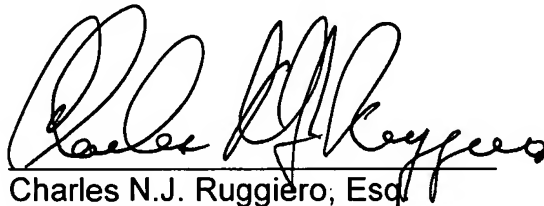
As acknowledged by the Examiner, Paul fails to disclose or suggest that the finger grip has a shoulder region. Paul also fails to disclose that the shoulder region is adjacent to the tapered main section, a gripping region adjacent to the shoulder region, and a flared region adjacent to the gripping region opposite the shoulder region, or that the flared region has an outer diameter that increases from the gripping region to the second end of the barrel, as recited by claim 11. In contrast, Paul merely provides a stepped outer configuration with an enlarged portion 18, designed to hold the absorbent tampon 12, joined to a smaller finger-grip portion 20 and that the finger-grip portion 20 contains a peripheral wall 32 which has one or more ribs or protrusions 34 formed about the exterior thereof. (col. 3, line 61-63; col. 5, lines 3-5). Therefore, Paul merely provides a peripheral wall 32 with protrusions

34.

Accordingly, Applicants respectfully submit that Paul fails to disclose or suggest independent claim 11. As such, claim 11, as well as claims 12, 13, 15 – 20, 25, 31, 37, 44, and 46 – 50 that depend therefrom, are patentable over Paul for at least the reasons described above for independent claim 11.

In view of the above, reconsideration and withdrawal of the rejections and passage of this application to allowance are respectfully requested. If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,



Charles N.J. Ruggiero, Esq.
Registration No. 28,468
Attorney for Applicants
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square
Stamford, CT 06901-2682
Tel: (203) 327-4500
Fax: (203) 327-6401

July 30, 2009